House File 2563

H-8122

1   Amend House File 2563 as follows:

2   1. By striking everything after the enacting clause and
3 inserting:

4   <Section 1. PURPOSES. The general assembly finds
5 and declares that the purposes of this Act are all of the
6 following:

7   1. To recognize that the fourteenth amendment to the
8 Constitution of the United States requires that "No state
9 shall...deny to any person within its jurisdiction the equal
10 protection of the laws."

11   2. To fully recognize that innocent human life, created in
12 the image of God, should be equally protected under the law
13 from fertilization to natural death.

14   3. To ensure that the rights of unborn children are
15 protected from homicide and assault by the same criminal and
16 civil laws protecting all other persons.

17   4. To recognize that all persons potentially subject to such
18 laws are entitled to due process protections.

19   5. To ensure that pregnant women are protected under the law
20 from being pressured to abort a child.

21   6. To remove provisions that may allow a person to solicit,
22 command, aid, or counsel a pregnant woman to abort a child.

23   Sec. 2. Section 633.336, Code 2026, is amended to read as
24 follows:

25   **633.336 Damages for wrongful death.**

26   1. When a wrongful act produces death, damages recovered as
27 a result of the wrongful act shall be disposed of as personal
28 property belonging to the estate of the deceased; however, if
29 the damages include damages for loss of services and support
30 of a deceased spouse, parent, or child, the damages shall be
31 apportioned by the court among the surviving spouse, children,
32 and parents of the decedent in a manner as the court may deem
33 equitable consistent with the loss of services and support
34 sustained by the surviving spouse, children, and parents
35 respectively.

1   2. Any recovery by a parent for the death of a child shall
2 be subordinate to the recovery, if any, of the spouse or a
3 child of the decedent.
4   3. If the decedent leaves a spouse, child, or parent,
5 damages for wrongful death shall not be subject to debts and
6 charges of the decedent's estate, except for amounts to be paid
7 to the department of health and human services for payments
8 made for medical assistance pursuant to chapter 249A, paid
9 on behalf of the decedent from the time of the injury which
10 gives rise to the decedent's death up until the date of the
11 decedent's death.
12   4. *a.* For the purposes of this section, damages for
13 wrongful death of a child shall include the wrongful death of
14 an unborn child.
15   *b.* For the purposes of this subsection:
16   (1) *"Fertilization"* means the fusion of a human spermatozoon
17 with a human ovum.
18   (2) *"Fetal death"* means the same as defined in section
19 144.1.
20   (3) *"Unborn child"* means an individual organism of
21 the species homo sapiens at any stage of development from
22 fertilization to fetal death or live birth.
23   Sec. 3. NEW SECTION. **707.1A Homicide and related crimes ——**
24 **unborn child victim.**
25   1. *a.* As used in this chapter, *"person"* includes an unborn
26 child when the person is the victim of the crime.
27   *b.* For the purposes of this section:
28   (1) *"Fertilization"* means the fusion of a human spermatozoon
29 with a human ovum.
30   (2) *"Fetal death"* means the same as defined in section
31 144.1.
32   (3) *"Unborn child"* means an individual organism of the
33 species homo sapiens from fertilization to fetal death or live
34 birth.
35   2. Prosecution of a crime under this chapter, when the

1 victim is an unborn child, is subject to the same presumptions,

2 defenses, justifications, immunities, clemencies, and other

3 due process protections that would apply if the victim were a

4 person following a live birth.

5   3. This section shall not apply to the unintentional death

6 of an unborn child resulting from either of the following:

7   *a.* The performance of life-saving procedures to save the

8 life of a pregnant woman when accompanied by reasonable steps,

9 if available, to save the life of the unborn child.

10   *b.* A miscarriage.

11   4. If a provision of law conflicts with this section, this

12 section shall prevail.

13   Sec. 4. NEW SECTION. **708.1A Assault on an unborn child.**

14   1. *a.* As used in this chapter, *"person"* includes an unborn

15 child when the person is the victim of the crime.

16   *b.* For the purposes of this section:

17   (1) *"Fertilization"* means the fusion of a human spermatozoon

18 with a human ovum.

19   (2) *"Fetal death"* means the same as defined in section

20 144.1.

21   (3) *"Unborn child"* means an individual organism of the

22 species homo sapiens from fertilization to fetal death or live

23 birth.

24   2. Prosecution of a crime under this chapter, when the

25 victim is an unborn child, is subject to the same presumptions,

26 defenses, justifications, immunities, clemencies, and other

27 due process protections that would apply if the victim were a

28 person following a live birth.

29   3. This section shall not apply to the unintentional harm

30 to or death of an unborn child resulting from either of the

31 following:

32   *a.* The performance of life-saving procedures to save the

33 life of a pregnant woman when accompanied by reasonable steps,

34 if available, to save the life of the unborn child.

35   *b.* A miscarriage.

1   4. If a provision of law conflicts with this section, this
2 section shall prevail.
3   Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate
4 importance, takes effect upon enactment.
5   Sec. 6. APPLICABILITY. This Act applies only to conduct or
6 an act occurring on or after the effective date of this Act.>
7   2. Title page, by striking lines 1 through 3 and inserting
8   <An Act relating to the treatment of an unborn child for the
9 purposes of damages for wrongful death, homicide and related
10 crimes, and assault, making penalties applicable, and including
11 effective date and applicability provisions.>

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   DIEKEN of O´Brien